THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18548 of 2005

23-08-2005

Between:

K.Sankarappa

... PETITONER

AND

1. The Depot Manager, APSRTC, Hindupur Depot, Hindupur, Anantapur District Regional Joint Director of School Education, Guntur and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18548 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the first respondent in imposing a major punishment on the petitioner without conducting a regular departmental enquiry.

According to the petitioner, he was appointed as a Conductor on 03.07.1988 in the respondent-Corporation. While he was serving the respondent-Corporation, he was charge sheeted on 24.07.1989 for unauthorized absence and was called upon to submit his explanation. Accordingly, he submitted his explanation. The first respondent, instead of conducting a regular departmental enquiry, if not satisfied with the explanation, passed orders imposing punishment of withholding annual increment of the petitioner for a period of one year with cumulative effect. Though the petitioner filed a review petition before the third respondent, the same dismissed by proceedings dated 31.03.2003. Therefore, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

Admittedly, the first respondent passed the impugned order imposing a major punishment without conducting a regular departmental enquiry. Though the petitioner filed an appeal before the Divisional Manager, the same was dismissed, against which, a review petition was also filed before the Regional Manager. Even the review petition was also dismissed. Hence, the present writ petition.

Prima facie, the impugned order passed by the first respondent as

confirmed by other respondents is illegal and unsustainable in view of the judgments of this Court as well as Supreme Court as the major punishment was imposed without conducting a regular departmental enquiry.

However, as the petitioner approached this Court after long lapse of time, this Court is of the opinion that it would be appropriate to modify the major punishment into one of minor punishment.

Accordingly, withholding of annual increment for a period of one year with cumulative effect is restricted to without cumulative effect. However, it is made clear that the monetary benefits to which the petitioner is entitled to as a result of modification of the order of the disciplinary authority are available only from the date of this order, but not for the period prior to the date of this order.

The writ petition is accordingly disposed of. No costs.

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23.08.2005

VGB